

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES**

**August 5, 2008
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Burg – Present
Commissioner Lindell – Absent
Commissioner Sheldon – Present
Commissioner Smith – Present
Commissioner Swain – Present
Commissioner Acton – Absent
Chairman Backer – Absent

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes of the May 6, 2008 Planning Commission Meeting

ACTION: A motion was made by Commissioner Burg to approve the minutes of the May 6, 2008 Planning Commission Meeting. The Motion was seconded by Commissioner Smith.

VOTE:

Commissioner Burg – Approve
Commissioner Lindell – Absent
Commissioner Sheldon – Approve
Commissioner Smith – Approve
Commissioner Swain – Approve
Commissioner Acton – Absent
Chairman Backer – Absent

VOTE: 4-0, with 3 Absent, Motion carried

Minutes of the June 3, 2008 Planning Commission Meeting

Due to a previous absence a quorum was not met to approve these minutes, these minutes will be placed on the next Planning Commission Agenda.

Minutes of the July 1, 2008 Planning Commission Meeting

Due to a previous absence a quorum was not met to approve these minutes, these minutes will be placed on the next Planning Commission Agenda.

OLD BUSINESS:

The Commissioners present had nothing to present regarding the Comprehensive Plan.

NEW BUSINESS:

The Planning Commission reviewed Petition 08-06, Tax Parcel Number 1900400356

Ms. Debi Galonsky of Doroshow & Pasquale presented the application proposing that the property 209 Locust Ave be subdivided into 2 lots so that a semi detached home may be constructed. She stated how they would be attaching the new dwelling to the existing dwelling.

Commissioner Swain questioned the setback of the proposed dwelling.

Ms. Galonsky stated that her office had interpreted the code stating that an R-2 Interior lot shared with another dwelling the side setback is 0'.

Commissioner Swain acknowledged that the property in question is not an interior lot, it is at the end of the row and is then considered an exterior lot. He also asked what the pedestrian easement on the drawing was, and was it going to be enclosed.

Ms. Galonsky confirmed that the easement is a gated access to the rear alley for the property owners on that block.

Commissioner Swain asked what the purpose is of attaching the new dwelling to the existing dwelling.

Ms. Galonsky replied that several years back when the property owners initially asked the Town what would be required they were told that the home would need to be semi-detached.

1st District Councilman John Jaremchuk addressed the Commission stating that at this time they were to be approving the subdivision not the building that would be placed on the new property.

Ms. Galonsky replied that the property owners ideal situation would be to place a dwelling on the new property, and that they do not have an exact plan as to what the dwelling will be at this time however they are aware that they will need to follow Town Code and will apply for the construction permit at a later date.

Commissioner Swain confirmed that the minimum lot size to hold a building is 5000 square feet and that the lots would not meet that size.

Ms. Galonsky acknowledged that she had a number that was more than 5000 square feet, and that she had received this number from the surveyor.

3rd District Councilman Thomas S. Novak, Jr. stated that he had not received anything for or against this petition.

ACTION: A motion was made by Commissioner Sheldon to recommend approval to the Mayor and Council regarding Petition 08-06 requesting a subdivision of the property know as 209 Locust Ave with the condition that the applicant provide the Mayor and Council with a written statement from the surveyor that the proposed property will be more than 5000 square feet. The motion was seconded by Commissioner Burg.

VOTE:

Commissioner Lindell – Absent
Commissioner Burg – Approve
Commissioner Smith – Approve
Commissioner Acton – Absent
Commissioner Sheldon – Approve
Commissioner Swain – Approve
Chairman Backer – Absent

VOTE: 4-0, with 3 Absent, Motion carried

The Planning Commission reviewed Petition 08-09, Tax Parcel
Number 1900400060

Mr. Ed Scully presented his application to place a restaurant into the property, and how they would dress up the building.

Commissioner Sheldon questioned the lattice work that Mr. Scully proposed to put up.

Mr. Scully confirmed that the lattice work would be placed at the rear entrance to dress it up from the rear and make the building look nice.

5th District Councilwoman Joann Personti acknowledged that she had received nothing for nor against this petition. She questioned if the restaurant had permission from the Elsmere Fire Company to use the parking lot.

Mr. Scully stated that he has already discussed this with the Elsmere Fire Company and does have permission to use the parking lot for customer parking and stated that most of the business is between 9AM and 2PM.

ACTION: A motion was made by Commissioner Burg to Approve Petition 08-09 for a change in property use to a restaurant. The motion was seconded by Commissioner Sheldon.

VOTE:

Commissioner Lindell – Absent
Commissioner Smith – Approve
Commissioner Acton – Absent
Commissioner Burg – Approve
Commissioner Sheldon – Approve
Commissioner Swain - Approve
Chairman Backer – Absent

VOTE: 4-0, with 3 Absent, Motion Carried

The Planning Commission reviewed Petition 08-10, Tax Parcel Number 1900500042

Mr. Anthony Medori presented his application for a variance to the required amount of parking to allow the property to be used as 2 separate business units. He explained that he would like to place a vitamin health store in one unit and a single chair barber shop in the second unit.

Commissioner Burg questioned what Mr. Medori plans to do to compensate for the limited parking.

Mr. Medori stated that he was currently in the process of speaking with the owners of King Tex Mex Restaurant to lease several spaces from them for employee parking so that only patrons are parking on site.

Commissioner Swain questioned Mr. Medori asking what he planned to do with the stone that has been placed over some of the grassy section of the lot.

Mr. Medori answered that he has the intention to remove the stone and that it had been placed there for the construction period to allow the proper construction vehicles on site. He also stated that he would be installing two handicap ramps to the property.

Mr. Bob DiEmidio of 15 Western Avenue expressed his concern regarding traffic and parking on Western Avenue in front of the residents homes. He acknowledged that almost every business that could be brought into this property would attract parking on the street.

Mr. Russell Kohler of 16 Western Avenue also expressed his concern regarding traffic and parking on Western Avenue. He confirmed that he has parked his car along side of this building for years. He stated if the business is allowed where will the residents be able to park their vehicles.

Commissioner Burg asked if Mr. Medori had placed a fence in the rear of the property so that it may not be seen from the residential homes.

Mr. Medori confirmed that to his knowledge this had been done.

Mr. DiEmidio asked if Mr. Medori could place a fence along Western Avenue to the building to block the rear access to the building.

At this time a discussion occurred among the Commission regarding fences and parking at the property.

Mr. Fred Carlson of 104 Western Avenue expressed his concern with the parking for these businesses.

The Commission clarified that the stone that is currently on the grass will be removed and will return to a grass surface.

ACTION: A motion was made by Commissioner Burg to recommend approval to the Board of Adjustments with the condition that Mr. Medori encourage patrons to park at the provided onsite parking lot. The Motion was seconded by Commissioner Sheldon.

VOTE:

Commissioner Burg – Approve
Commissioner Acton – Absent
Commissioner Lindell – Absent
Commissioner Sheldon – Approve
Commissioner Smith – Approve
Commissioner Swain – Approve
Chairman Backer – Absent

VOTE: 4-0, with 3 - absent, Motion carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Burg to adjourn. The motion was seconded by Commissioner Sheldon.

VOTE:

Commissioner Burg – Approve
Commissioner Lindell – Absent
Commissioner Smith - Approve
Commissioner Acton – Absent
Commissioner Sheldon – Approve
Commissioner Swain – Approve
Chairman Backer – Absent

VOTE: 4 – 0, with 3 – Absent, Motion carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the August 5, 2008 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

LEON BACKER, CHAIRMAN

CHARLES LINDELL, SECRETARY